

Application #: _____

Permit #: _____

Date Submitted: _____

Fee Amount: _____

**Section 1139
 BOARD OF ZONING & BUILDING APPEALS
 APPLICATION**

Paid: _____

I. PROPERTY INFORMATION

Property Address: _____

II. PROPERTY OWNER OF RECORD

Property Owner Name(s): _____

Contact Email: _____

Contact Phone Number: _____

III. BUSINESS INFORMATION (IF APPLICABLE)

Business Name: _____

Contact Name: _____

Contact Phone Number: _____

Contact Email: _____

Description of Use: _____

IV. APPLICANT INFORMATION

Applicant Name: _____

Applicant Address _____

Applicant Phone Number: _____

Applicant Email: _____

Property Owner

Business Owner/Tenant

Contractor

Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLY:

Variance (Non-Residential (\$450) / Residential (\$100)): _____

Special Exception Use Permit (\$350): _____

Other: _____

Applicant shall submit **ten (10) copies** of application and materials to the Planning & Zoning Administrator. Please review the attached sections of the Zoning Code and note the items you are responsible for submitting with this application.

Applicant Signature: _____ **Date:** _____

*By signing this application, I certify that I am the owner of the property or the owner's agent, and that the work is authorized with the full knowledge of the owner. *

****OFFICE USE ONLY****

Additional Notes:

Zoning Information

Zoning District: _____

Historic District

CC Overlay

Add'l Approvals Req'd

Planning Commission

DRB

BZBA Meeting

Date: _____

Approved as Submitted

Approved w/ Conditions

Tabled

Denied

City Council Meeting

Date: _____

No Action Taken

Approved as Submitted

Approved w/ Conditions

Denied

P&Z Admin.: _____ Date: _____

Clerk of Council: _____ Date: _____

Section 1145

SPECIAL EXCEPTION USES

Background

Special Exceptions (often referred to as conditional uses) are uses which may have the potential to be made compatible with the use characteristics of the districts in which they are listed as Special Exceptions, but which, due to the nature of their operation, appearance, or other characteristics require individual review and control of their location, design, intensity, configuration, and impacts upon the community in order to promote such compatibility.

When and where do you initiate a Special Exception?

An application for a special exception use permit shall be submitted to the Planning & Zoning Administrator thirty (30) days prior to the regularly scheduled meeting of the Board of Zoning and Building Appeals.

What information must be provided with a Special Exception?

An application for a Special Exception shall be submitted in writing on forms provided by the Planning & Zoning Administrator and shall include the following:

1. Description of the existing use of the lot and of adjacent lots;
2. The application shall also include a description of the activities proposed on the site, including the goods and services, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will enable the Board to understand the nature of the proposed use and its potential impacts;
3. A plan of the proposed site and improvements showing the proposed location of all structures, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping, and other relevant features;
4. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent lots including an evaluation of the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water, and any measures proposed to mitigate such effects;
5. A narrative addressing each of the applicable criteria set forth in section 1145.09; and
6. Such other information as the Board deems necessary to make a determination of the compliance of the proposed use with the applicable standards

and regulations. Such additional information may include, but shall not be limited to:

- o Traffic impact analysis;
- o Storm water impact analysis;
- o Utility impact analysis.

The Board may determine that additional studies or expert advice are necessary to evaluate a proposed Special Exception relative to the requirements of the Code.

Who may be involved in a Special Exception?

- Planning & Zoning Administrator
- Board of Zoning and Building Appeals
- City Council

How much will a Special Exception cost?

The fee for a Special Exception Permit is three hundred and fifty dollars (\$350).

What is the time frame for review of a Special Exception Use Permit?

An application for a special exception use permit will take approximately two to three months. The review and approval of a Special Exception is a two- phase process.

First, the Special Exception will be reviewed by the Board of Zoning and Building Appeals (BZBA). The Board shall make a recommendation to City Council that a proposed use should be or should not be determined to be a similar use for the district.

If approval is recommended by the BZBA, Council introduces legislation by the next regularly scheduled Council meeting once the recommendation of the BZBA, and minutes of the BZBA meeting have been received, or the Special Exception Use Permit stands approved.

Who may I call if I have questions?

Contact the Planning & Zoning Administrator at 614-322-6829.

Section 1145.09

STANDARDS AND REQUIREMENTS FOR ALL SPECIAL EXCEPTIONS

In review of a special exception application, the Board shall consider whether the application is complete and whether it provides adequate evidence that the proposed special exception is consistent with the following standards:

- (a) The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;
- (b) The proposed use shall not adversely affect the use of adjacent property;
- (c) The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;
- (d) The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and schools;
- (e) The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;
- (f) The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;
- (g) The proposed use complies with the applicable specific provisions and standards of this Code;
- (h) The proposed use shall be found to meet the definition and intent of a use specifically listed as a special exception in the district in which it is proposed to be located, except as otherwise provided by this Zoning Code.

Section 1147 VARIANCES

Background

The Board of Zoning and Building Appeals (BZBA) may vary the strict application of the provisions of the Zoning Code where, owing to special characteristics of a property, a literal enforcement of the provisions would result in unnecessary hardship or practical difficulty, and where such variance will be in harmony with the general purpose and intent of the Code and in accordance with the specific rules contained in the chapter.

Why might you request a Variance?

To allow development of property prohibited by current zoning if such development will not adversely affect the surrounding property or neighborhood and if the BZBA is satisfied that it will alleviate some hardship or difficulty.

Where do you initiate a Variance request?

A variance application shall be submitted to the Planning & Zoning Administrator at least thirty (30) days prior to the regularly scheduled meeting of the Board of Zoning and Building Appeals. The Board meets the third Thursday of each month except December.

What information must be provided for a Variance?

A property owner seeking a Variance shall submit a written request for Variance on forms provided by the Planning & Zoning Administrator. Such request shall include the following:

1. Name, address, and telephone number of the property owner(s) and owner's agent(s);
2. Legal description, address, tax district and parcel number of the property;
3. Description of the nature of the variance requested and a statement demonstrating the extent to which the requested Variance conforms to the standards for variance in the Code (see section 1147.05);
4. Statement of the hardship;
5. Such other information and exhibits as may be appropriate to establish the facts of the appeal and the grounds for relief.

owner for the property which pertains to the variance.

Who is involved in a Variance request?

- Board of Zoning and Building Appeals
- Planning & Zoning Administrator
- Service Department
- City Engineer

What is the time frame for a variance request?

In general the application process takes 30-45 days. Once a variance application is submitted, it will be placed on the next BZBA agenda. The BZBA meets the third Thursday of each month except December. The application will be approved or denied at the first hearing by BZBA unless the application is withdrawn by the applicant to address the comments raised by the BZBA. The BZBA can hold the application but a decision must be reached by the Board within sixty (60) days.

How much will a Variance cost?

The fee for a variance is one hundred dollars (\$100) for a residential variance, and four hundred and fifty dollars (\$450) for all other variance requests.

What are the next steps after a Variance approval?

The approved variance will need to be officially documented through the issuance of a zoning certificate or a zoning sign permit depending on the type of variance.

Who may I call if I have questions?

Contact the Planning & Zoning Administrator at 614-322-6829.

**Note: The application must be signed by the property

Section 1147.05
STANDARDS FOR VARIANCE

No variance in the strict application of the provisions of this Code shall be granted unless the Board makes specific findings of fact, based on the evidence presented to it, which supports conclusions that the variance conforms to the following standards. Such findings shall be stated for the record and reported in the Board's minutes.

(a) The variance is in accord with the general purpose and intent of the regulations imposed by this Code in the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

(b) The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a special exception in the district, or which is expressly or by implication prohibited by this Code. (Note: See Chapter 1195 and Chapter 1145 for provisions regarding the replacement of non-conforming uses with other non-conforming uses.)

(c) There exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought, which are peculiar to such land or structures and which do not apply generally to land or structures in the area, and which are such that the strict application of the provisions of this Code would deprive the property owner of the reasonable use of such land or structures. There must be deprivation of beneficial use of land, as opposed to mere loss in value as justification for the variance.

(d) There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that greater profit will result if the variance is granted. Economic hardship is not grounds for the variance. Furthermore, the hardship complained of is not self-created nor is it established on this basis by one who purchased with or without knowledge of the restrictions. The hardship results from the application of this Code and is suffered directly by the property in question.

(e) The variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

(f) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

(g) The variance will not confer on the property owner any special privilege that is unduly denied by this Code to other land, structures, or buildings in the same district.

(h) No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of the variance.

(i) The variance is not a matter of convenience when other remedies are available within the provisions of this Code.